

**EDUCATION DEPARTMENT[281]**

**Adopted and Filed**

**Rule making related to open enrollment**

The State Board of Education hereby amends Chapter 17, “Open Enrollment,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 256.7.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 282.18.

*Purpose and Summary*

2018 Iowa Acts, Senate Files 475 and 2415, made changes to Iowa Code section 282.18 allowing individual pupils who participate in open enrollment to online education to participate in up to two cocurricular or extracurricular activities at their resident districts. The changes also allow districts to deduct up to \$200 per activity off of the open enrollment tuition out. These amendments implement Senate Files 475 and 2415.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 5, 2018, as **ARC 4159C**. A public hearing was held on January 8, 2019, at 11 a.m. in the State Board Room, Second Floor, Grimes State Office Building, Des Moines, Iowa. Two people attended the public hearing. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the State Board on January 16, 2019.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

An agencywide rule waiver is provided for in 281—Chapter 4.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on March 20, 2019.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 17.8(2), introductory paragraph, as follows:

**17.8(2)** *Restrictions on participation in interscholastic athletic contests and competitions.* A Subject to rule 281—17.15(282), a pupil who changes school districts under open enrollment in any of the grades 9 through 12 shall not be eligible to participate in varsity interscholastic athletic contests and competitions during the first 90 school days of enrollment. This restriction also shall apply to enrollments resulting from an approved petition filed by a parent/guardian to open enroll to an alternative receiving district and when the pupil returns to the district of residence using the process outlined in subrule 17.8(4). This 90-school-day restriction does not prohibit the pupil from practicing with an athletic team during the 90 school days of ineligibility. This 90-school-day restriction is not applicable to a pupil who:

ITEM 2. Adopt the following new subrule 17.10(9):

**17.10(9)** *Open enrollment pursuant to rule 281—17.15(282).* If a pupil participates in cocurricular or extracurricular activities in accordance with subrule 17.15(2), the district of residence may deduct up to \$200 per activity, for up to two activities, from the amount calculated in this rule. For a cocurricular activity, one semester shall equal one activity. Extracurricular activities for which such a resident district may charge up to \$200 per activity for up to two activities under this subrule include interscholastic athletics, music, drama, and any other activity with a general fund expenditure exceeding \$5,000 annually. A pupil may participate in additional extracurricular activities at the discretion of the resident district. The school district of residence may charge the pupil a fee for participation in such cocurricular or extracurricular activities equivalent to the fee charged to and paid in the same manner by other resident pupils.

ITEM 3. Adopt the following new rule 281—17.15(282):

**281—17.15(282) Open enrollment and online coursework.**

**17.15(1)** *General.* A school district may provide courses developed by private providers and delivered primarily over the Internet to pupils who are participating in open enrollment under Iowa Code section 282.18. However, if a student's participation in open enrollment to receive educational instruction and course content delivered primarily over the Internet results in the termination of enrollment in the receiving district, the receiving district shall, within 30 days of the termination, notify the district of residence of the termination and the date of the termination.

**17.15(2)** *Participation in activities in resident district.* A pupil participating in open enrollment for purposes of receiving educational instruction and course content primarily over the Internet in accordance with Iowa Code section 256.7(32) may participate in any cocurricular or extracurricular activities offered to children in the pupil's grade or group and sponsored by the district of residence under the same conditions and requirements as the pupils enrolled in the district of residence. The pupil may participate in not more than two cocurricular or extracurricular activities during a school year unless the resident district approves the student's participation in additional activities. The student shall comply with the eligibility, conduct, and other requirements relating to the activity that are established by the district of residence for any student who applies to participate or who is participating in the activity.

ITEM 4. Amend **281—Chapter 17**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~Supplement~~ section 282.18.

[Filed 1/17/19, effective 3/20/19]

[Published 2/13/19]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/13/19.